

# TOWNSHIP OF NORTH GLENGARRY

## BY-LAW NO.44-99

A By-Law for prohibiting and regulating the erection of signs and other advertising devices.

**Whereas** Section 210, paragraphs 145, 146, 147, 148, 149 of the Municipal Act, Chapter M-45, R.S.O., 1990, as amended, provides that the Council of a Municipality may pass by-laws for the prohibiting or regulating the erection of signs and other advertising devices and the posting of notices on buildings, or vacant lots within any defined area or on land abutting on any defined highway or part of a highway;

**And Whereas** the Municipal Act provides that where a Council has authority to direct or require by by-law, or otherwise, that any matter or thing be done, the Council may by the same or by another by-law, direct that, if in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the Corporation may recover the expense incurred in doing it, by action or the same may be recovered in like manner as municipal taxes.

**And Whereas**, the Council of the Corporation of the Township of North Glengarry deems it necessary to pass a by-law to prohibit or regulate the use of signs and advertising devices in the Township of North Glengarry.

**Now Therefore** the Council of the Corporation of the Township of North Glengarry enacts as follows:

### Section One - Title and Scope

#### 1.1 Short Title

This by-law may be cited as the "Sign By-Law"

#### 1.2 Scope

The provisions of this by-law shall regulate the prohibition, erection, location, construction, alteration, repair and maintenance of all outdoor signs and other advertising devices on land abutting a highway or part of a highway within the jurisdiction of the Corporation of the Township of North Glengarry.

### Section Two - Definitions

The following definitions shall apply for the purposes of this By-Law unless the context otherwise provides:

- 2.1 Area of a Sign - means the number of square metres on the surface of the sign including the border and frame.
- 2.2 Banner Sign - means a sign produced on cloth, paper, fabric or other similar material with or without frames.
- 2.3 Beacon - a stationary, moving or revolving source of illumination, however powered, positioned and activated atop a tower, pole or other elevation, and created for the purpose of attracting attention to a business, service, product or other commercial activity.

For the purposes of this By-Law, this definition specifically excludes any beacon erected by public authorities in relation to traffic control, public safety or any other similar

purposes.

- 2 -

- 2.4 Building - means any structure or edifice used or intended to be used for the storage of Goods, chattels or for the use of people.
- 2.5 Chief Building Official - means the person so appointed by Council pursuant to the provisions of the Building Code Act.
- 2.6 Construction Sign - means a sign identifying a proposed development or a construction project where work is in progress.
- 2.7 Council - means the Council of the Corporation of the Township of North Glengarry.
- 2.8 Curb - means the edge of the travelled portion of the highway.
- 2.9 Electronic Sign - means an illuminated, remotely controlled changeable display sign.
- 2.10 Encroachment Agreement - means an agreement granted under By-Law No. \_\_\_\_\_
- 2.11 Erect - means anything done in the installation, placement, maintenance, repair or alteration of any sign.
- 2.12 Face of Building Wall - means the external wall of a building.
- 2.13 Flashing Sign - means a luminous or illuminated sign, fixed or rotating upon which the source of artificial light is not stationary or the intensity or colour is not constant.
- 2.14 Frontage - means the width of a lot between the side lot lines measured at the street line. Where more than one property line abuts the street line each property line shall be considered separately for the purposes of determining frontage.
- 2.15 Grade - means when used in reference to a sign the average elevation of the finished surface of the ground where it meets the supports of the sign or the building upon which it is erected, exclusive of any artificial embankment.
- 2.16 Ground Sign - means a sign directly supported from the ground without the aid of any building or structures other than the sign structure.
- 2.17 Height of Sign - means the actual distance from the grade to the highest point of the sign.
- 2.18 Highway - includes a common and public highway, street, avenue, roadway, road allowance, lane, driveway, parkway square, place, bridge, subway, viaduct, trestle or by-pass designed or intended for the use of the general public for the passage of vehicles and pedestrians.
- 2.19 Home Occupation, Industry or Business - means a use as defined pursuant to the terms of the Zoning By-Law, as amended, by the Town.
- 2.20 Illuminating Device - means any device employing artificial lighting intended to draw attention to a sign whether designed to function internally or externally in reference to a sign.
- 2.21 Lot - means any parcel of land, held in separate and distinct ownership from adjoining parcels of land, whether such parcel is described in a registered deed, or shown as a lot or block on a registered plan of subdivision on which a sign is located or intended to be

located.

2.22 Owner - includes:

-3-

- (a) owner of a sign
- (b) owner of the real property on which the sign is located, or,
- (c) the person, for the time being, managing or receiving the rent of
  - i) the sign, or ii) the real property on which a sign is located.

2.23 Person - means and includes a real or corporate person.

2.24 Point of Sale - means the premises upon which the product or services are made, produced, assembled are sold or available.

2.25 Product Advertising Sign - means a sign erected and maintained upon which there is displayed advertising copy, describing products or services which are made, produced, assembled, sold, stored or available.

2.26 Portable Ground Sign - a type of ground sign that is not permanently affixed to the ground and may be moved from place to place but does not include sandwich board signs.

2.27 Prohibited Use - means a sign restricting the use of the property.

2.28 Projecting Sign - means a type of sign so constructed and so erected as to be attached to the surface of the building and projecting from the surface.

2.29 Property Line - means any boundary that divides a lot from another lot or road allowance or highway.

2.30 Real Estate Sign - means a sign that advertises property or premises for sale, lease or rent.

2.31 Residential Property - means property zoned "Residential" in accordance with the relevant Zoning By-Law for the Township.

2.32 Road Allowance - means that portion of land allowed for road or highways established by any statute, act, by-law or Official Plan.

2.33 Rural Zone - means property zoned Rural pursuant to the relevant zoning by-law for the Town.

2.34 Sandwich Board Sign - a sign with two separate facings, attached to each other, that does not exceed 1 sq. metre per side.

2.35 Sight Triangle - means the triangular space formed by two intersecting street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 6 metres measured along the street line from the point of intersection of the street lines.

2.36 Sign - means any device displaying any letter, picture, stroke, stripe, line, trademark, reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise or services what so ever and displayed in any manner whatsoever.

2.37 Structure - when used in reference to a sign means the supports, uprights, bracing and framework of a sign.

2.38 Temporary Sign - means a sign erected for a limited period not to exceed six (6) months.

- 4 -

2.39 Temporary Produce Sign - a sign not exceeding 1 metre in height x 1 metre in width and advertising seasonal local grown produce for sale.

2.40 Traffic Sign - means a sign, marking or device placed for the purpose of regulating or prohibiting traffic.

2.41 Visual Obstruction - means a sign which when so erected impairs the view of the public

so as to create a safety hazard.

2.42 Zoning By-Law - means any by-law regulating the use of lands and the character, location and use of buildings and structures in the Township and passed pursuant to the Planning Act.

### **Section Three - General Provisions**

3.1 No person shall erect, place, alter, cause or permit to be erected, placed, or altered any sign without first having obtained a permit except as may be provided in Section 3.5.

3.2 The owner bears the full responsibility for carrying out the work in accordance with the provisions of this by-law and the conditions, if any, that are stated on the permit.

3.3 Variances

3.3.1 Council may, upon application, authorize a minor variance provided that in the opinion of Council the minor variance does not compromise the standards of safety, aesthetics and proper construction.

3.3.2 Application to Council for a minor variance shall be accompanied by the appropriate non-refundable fee for a minor variance as detailed in Schedule "A" attached hereto.

3.4 Sign Applications

3.4.1 Every application for a sign shall be submitted to the Chief Building Official on a prescribed form provided for that purpose and shall be accompanied by:

- (a) a plot plan showing the property lines of the lot on which the sign is proposed to be located, the location of the sign in relation to the lot lines and to all other structures located on such lot.
- (b) the Chief Building Official may require (at the applicant's expense) such additional information as may be required to determine if the structure or building will carry the additional loads or stress imposed thereon by the erection of the sign.
- (c) the required sign permit application fee as set out in Schedule "A" attached hereto.

3.4.2 The Chief Building Official shall review all applications, plans and specifications submitted for sign permits and if in conformity with the provisions of this By-law and all other applicable law, shall certify the plans and issue the sign permit.

3.4.3 Application fees are non-refundable.

- 5 -

### 3.5 Permit Exemptions

Notwithstanding the provisions of this By-law and unless otherwise required herein, no permit shall be required for the following signs:

- (a) a temporary produce sign as defined in this by-law.
- (b) an election sign,
- (c) a sign identifying the ownership of a property in a Rural Zone.
- (d) a sign not exceeding an area of 0.5 square metres identifying the ownership of a property in a Residential Zone,
- (e) a real estate sign not exceeding 0.6 square metres in area.
  - (f) a sign erected inside a building or structure,
- (g) the changing or repair by the owner of any non-structural part of an existing legally erected sign or an approved sign for which a permit was issued, that is designed for such change or the repainting or reposting of the advertising message on the display surface of such sign,
- (h) a sign not exceeding an area of 0.2 square metres displaying a prohibited use,
- (i) a sign incorporated onto a drop awning,
- (j) a construction sign complying with Section 6.2
- (k) a Sandwich Board Sign
- (l) a portable ground sign erected by a non-profit organization for special events for a period not to exceed 14 days.
- (m) banner signs.

## **Section 4 - Administration**

4.1 The Chief Building Official may cancel an application for a sign permit which is still incomplete after six months of the date of filing the application and such application, in the opinion of the Chief Building Official, is not being seriously pursued. The fee is non-refundable

4.2 The Chief Building Official may revoke a sign permit:

- (a) where it has been issued on mistaken or false information,
- (b) where, after six months from date of issue, work has not been fully completed in the opinion of the Chief Building Official,
- (c) where work is substantially suspended or discontinued for a period of more than one year, and the fee is non-refundable
- (d) where a sign is removed save and except seasonally erected signs.

4.3 If the Chief Building Official or an Inspector or Officer acting on behalf of the Chief Building Official, refuses to issue a permit or revokes a permit, the owner or applicant may appeal such decision to the Council of the Township. Such appeal must be undertaken within thirty (30) days of such refusal or revocation.

#### 4.4 Inspection

- (a) Every sign for which a permit is required, shall be subject to inspection. The owner or his designate shall notify the Chief Building Official after the sign is installed and ready for inspection.
- (b) An Inspector may, for the purpose of inspecting a sign or site, enter in or upon any land at any time without a warrant.
- (c) An Inspector may, for the purpose of determining if a sign is safe and/or complies with

- 6 -

the requirements of this by-law, require the owner to produce documentation for the Inspector's review to assist in the determination of the safety of said sign, and/or compliance with the provisions of this By-Law.

#### 4.5 Existing Signs

- (a) All signs in existence prior to the date of the passing of this By-Law shall be deemed to be in compliance, subject to the provisions of Section 4.9 of this By-Law.
- (b) If a sign is structurally altered, repaired or relocated to another premise it should be made to conform with all of provisions of this By-Law.

#### 4.6 Enforcement

The Chief Building Official or his agent is authorized to pull down or remove, at the expense of the owner, any sign that is erected or displayed in contravention of this by-law and may require any person who:

- (i) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
- (ii) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the certified plans in respect of which permit was issued,

to make such sign or other advertising device comply with the provisions of this by-law if it does not so comply, or to remove such sign or advertising device within such period of time as the Chief Building Official specifies

4.7 Where the Chief Building Official or his agent finds there is a significant risk of damage to persons or property from a sign, he may notify the owner to remove the sign or place the sign in a proper state of repair within 48 hours.

4.8 When a sign ceases to comply with the requirements of this by-law as a result of a road widening the Chief Building Official may require the removal of the subject sign within the 30 days following notification.

#### 4.9 Sign Maintenance

- a) All signs must be in good order and well maintained.
- b) When a sign is broken, or if the surface is damaged or defaced, whether completely or partly, it must be repaired within thirty (30) days following the breakage.
- c) any non-complying sign must be made to conform if the business ceases for a

period of 30 days or more.

- 4.10 Every sign shall be designed, constructed and erected in conformity with the provisions of this by-law and the Building Code.
- 4.11 Every sign utilizing electricity shall be subject to the requirements of the authority having jurisdiction with respect to the supply of electricity.
- 4.12 Notwithstanding any other provision of this by-law, no person shall:
- (a) erect or maintain any sign (including signs displayed within a building), using spotlights, floodlights, or any other special illumination on a building or structure

- 7 -

or portion thereof, in such a location or with materials, lights or colours, so as to interfere with the proper operation and visibility of any traffic signal light or traffic sign which is now or may hereafter be erected for the control or guidance of traffic and pedestrians upon the highways and/or streets of the Township,

- (b) erect or maintain any sign where, it would adversely interfere with the line of vision of pedestrian or vehicular traffic,
  - (c) erect or maintain a sign located as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting in accordance with the Fire Code or Building Code.
- 4.13 Where the provision of one portion of this By-law conflicts with any other provision of this by-law the most restrictive requirement shall be used to establish the minimum requirement.

## **Section Five - Regulation By Structural Type**

### **5.1 General**

All Signs shall be designed and erected in accordance with design drawings and specifications required and approved by the Chief Building Official.

### **5.2 Ground Signs**

- 5.2.1 Ground signs in residential zones shall not exceed 1 sq. m. in area.
- 5.2.2 Ground signs for anyone business shall not exceed 4 metres in height.
- 5.2.3 Ground signs for anyone business shall not exceed 4 square metres in area.
- 5.2.4 No portion of a ground sign shall be erected closer than 1 metre from a property line.
- 5.2.5 A ground sign shall not be located in a sight triangle.
- 5.2.6 Not more than one ground sign shall be permitted for each business to a maximum of three ground signs per frontage.
- 5.2.7 In urban areas, ground signs on anyone property must not be closer than 100 meters.
- 5.2.8 No ground sign shall be erected where the top of such sign will exceed a height of 10 metres above grade.
- 5.2.9 Ground signs should be situated sufficiently above the ground so that they do not interfere with a clear view of traffic.

### **5.3 Portable Ground Signs**

Unless otherwise prohibited in this By-law portable ground signs may be erected without a permit provided:

- (a) no portion of a portable ground sign including directional arrows shall be flashing,
- (b) portable ground signs shall not exceed 3 square metres in area.

#### 5.4 Projecting Signs

- 5.4.1 Projecting signs shall not project more than 2 metres from the face of the building wall.
- 5.4.2 A projecting sign shall not extend over the sidewalk or the property line unless an encroachment agreement is obtained from the municipality.
- 5.4.3 Projecting signs shall not exceed 6 square metres in total area.

- 8 -

### **Section Six - Regulation By Use**

#### 6.3 Product Advertising sign

Only one product advertising sign may be placed at the point of sale and one product advertising sign may be placed not further than the closes intersection

#### 6.4 Real Estate Signs

Real Estate signs larger than 0.6 square metres in area are subject to all requirements of this by-law as may be applicable to the structural type of sign erected. When a house, building or vacant property is no longer for sale the sign must be removed within 2 weeks.

#### 6.5 Temporary Produce Signs

There shall only be one temporary produce signs per frontage.

### **Section Seven - Prohibited Signs**

7.1 The following signs are prohibited from being erected within the jurisdiction of the Township of North Glengarry:

- (a) flashing signs,
- (b) beacons,
- (c) signs which by their pictures, words or drawings are indecent
- (d) no sign shall be erected on any utility pole, traffic marker, tree, shrub or hedge

### **Section Eight - Special Area Signs**

8.1 The Council may by resolution designate a specific area as a special area i.e. “Heritage Area”.

8.2 The Council may by resolution, after consultation with the stakeholders within the area under consideration establish the rules to apply to the signs erected in that area.



## Section Nine - Infringements & Penalties

- 9.1 When a sign does not conform to the regulations under the present By-Law, a Judge of the Municipal Court, sitting in the district where the sign is located, may, upon request from the Township, order the owner to demolish, remove, modify or repair such sign within the delay that the Court may fix, and may further order that, in default of doing so within this delay, the Township be authorized to execute these works at the expense of the owner.
- 9.2 Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding \$ 5,000.00 exclusive of costs, for each offence, recoverable under the Provincial Offence Act.

-9-

Read a first and second time in Open Council this \_\_\_\_\_ day of \_\_\_\_\_,  
199\_\_\_\_.

\_\_\_\_\_  
**Leo Poirier, Clerk-Treasurer**

\_\_\_\_\_  
**Grant Crack, Reeve**

Read a third and final time in Open Council this \_\_\_\_\_ day of \_\_\_\_\_,  
199\_\_\_\_.

\_\_\_\_\_  
**Leo Poirier, Clerk-Treasurer**

\_\_\_\_\_  
**Grant Crack, Reeve**

### SCHEDULE "A"

#### **Fee Schedule**

Sign Permit Application Fee	\$ 30.00 pr sq. Metre or part thereof
Minor Variance Application	\$ 150.00